

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

**ROSEMARY HELEN ZIZIROS WALKER,**

**Case No. 6:24-CV-00168-MC**

**Plaintiff,**

**ORDER**

v.

**WELLS FARGO BANK, N.A.,**

**Defendant.**

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**MCSHANE, Judge:**

Plaintiff Rosemary Walker, proceeding pro se, previously filed an action against Wells Fargo Bank. ECF No. 23-1527. The Court was unable to make out any valid claim and, because “the Complaint fail[ed] to come close to stating any claim,” the Court dismissed the complaint with prejudice. Judgment, ECF No. 7. On January 18, 2024, Plaintiff appealed that Judgment to the Ninth Circuit. ECF No. 10.

Plaintiff also filed another action in state court against Wells Fargo Bank. ECF No. 1-1. As with the previous case, the Court is unable to make out anything resembling a valid claim. The Court agrees with Defendant’s assessment that “the Complaint is still, with all due respect, incomprehensible—just as the Complaint was in the Dismissed Case.” Mot. to Dismiss, ECF No. 6, 2. To the extent the current claims involve the same claim or causes of action against the same Defendant (Wells Fargo Bank), the current claims are barred by the doctrine of claim preclusion.

*Dauven v. U.S. Bancorp*, 390 F.Supp.3d 1262 (D. Or. 2019). And to the extent the current claims could have been brought in the prior action, claim preclusion still applies. *Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 298 (1981). Rather than proceed with a new action against the same Defendant, Plaintiff was required to instead prevail on her appeal of the earlier dismissed action.

Additionally, and perhaps more importantly, the Court remains unable to make out anything resembling a valid claim in the current action. Although Plaintiff presents screen shots of correspondence and/or statements from her account, the Court is unable to make out any claim regarding Plaintiff's conclusory allegations that, by utilizing an early pay feature, Defendant libeled or slandered Plaintiff. Defendant's Motion to Dismiss, ECF No. 6, is GRANTED. This action is DISMISSED, with prejudice.

DATED this 5th day of April, 2024.

/s/ Michael McShane  
**Michael J. McShane**  
**United States District Judge**